

JAP:DAL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

M 11-962

UNITED STATES OF AMERICA

- against -

RICHARD G. FOSTER, JR.,

AFFIDAVIT IN SUPPORT OF
REMOVAL TO THE
WESTERN DISTRICT OF
PENNSYLVANIA

(Fed. R. Crim. P. 5(c))

Defendant.

EASTERN DISTRICT OF NEW YORK, SS:

CRAIG CAINE, being duly sworn, deposes and says that he is a Deputy Marshal with the United States Marshals Service ("U.S.M.S."), duly appointed according to law and acting as such.

Upon information and belief, on November 30, 2010, an arrest warrant was issued by the United States District Court for the Western District of Pennsylvania, commanding the arrest of the defendant RICHARD G. FOSTER, JR. for conspiracy and access-device fraud, in violation of Title 18, United States Code, Sections 371 and 1029.

The source of your deponent's information and the grounds for his belief are as follows:

1. On November 30, 2010, an arrest warrant was issued by the United States District Court for the Western District of Pennsylvania, commanding the arrest of the defendant RICHARD G. FOSTER, JR. for conspiracy and access-device fraud in violation of Title 18, United States Code, Sections 371 and 1029. The arrest warrant was issued following issuance of a four-count

indictment filed in that district. A copy of the arrest warrant and indictment are attached hereto.

2. On September 26, 2011, pursuant to a request to investigate the whereabouts of the defendant from law enforcement in the Western District of Pennsylvania, members of the U.S.M.S. Regional Fugitive Task Force found the defendant RICHARD G. FOSTER, JR. as he approached a vehicle parked on St. Marks Avenue, in Brooklyn, New York. Law enforcement in the Western District of Pennsylvania provided the Task Force with the defendant's name, date of birth, social security number and photograph. The defendant admitted that he was RICHARD G. FOSTER, JR. and provided date-of-birth and social-security information matching that previously provided to the Task Force. Further, the defendant matched the individual depicted in the photograph provided to the Task Force and the defendant confirmed that it was indeed him.

3. It is the desire of the United States Attorney for the Western District of Pennsylvania that the defendant RICHARD G. FOSTER, JR. be removed to that district for prosecution.

WHEREFORE, it is requested that the defendant RICHARD G. FOSTER, JR. be removed to the Western District of Pennsylvania so that he may be dealt with according to law.



CRAIG CAINE
Deputy Marshal
U.S. Marshals Service

Sworn to before me this
29th day of September, 2011

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DGE
K